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10
11 UNITED STATES DISTRICT COURT FOR THE
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO

13)	No. 3:00-cv-03706-MMC
14	DAVID J. CARPENTER,)	
15	Petitioner,)	
16	vs.)	DEATH PENALTY CASE
17	KEVIN CHAPPELL, Warden)	STIPULATION FOR ADMINISTRATIVE
18	of San Quentin State Prison,)	RELIEF and PROPOSED ORDER
19	Respondent.)	[To Exceed Page Limitation]
20)	[Civil L.R. 7-11]

21 Counsel for Petitioner and Respondent hereby stipulate that Petitioner may file an opposition
22 of up to 35 pages to Respondent's pending Motion for Reconsideration (Doc. 169). The opposition is
23 due August 11, 2014, and counsel anticipate that it will be filed on that date.

24 The Court authorized 35 pages for Petitioner's opposition to the very similar motion in Mr.
25 Carpenter's other habeas case, No. 3:98-cv-02444-MMC.

26 As in No. 98-2444, Petitioner's counsel will require additional pages for two reasons: First, to
27 address aspects of the procedural default doctrine that are independent of, and not addressed by, *Walker*
28 *v. Martin*, 131 S.Ct. 1120 (2011). Second, to address the issues of procedural default on a claim-by-

claim basis. Many of the claims respondent seeks to dismiss include allegations presented to the California Supreme Court in the second state habeas petition and also allegations presented to the California Supreme Court on earlier occasions. Petitioner's counsel intends to argue that principles of procedural default, if they apply at all, may apply to a portion of a claim in the federal petition without applying to the entirety of the claim. Petitioner's counsel intends to address each claim separately in this manner.

Should respondent require a reasonable number of additional pages for his reply after reviewing petitioner's opposition, petitioner's counsel will not object at that time.

Respectfully submitted June 13, 2014.

/s/ Michael M. Crain
MICHAEL M. CRAIN

/s/ Robert D. Bacon
ROBERT D. BACON

Attorneys for Petitioner David J. Carpenter

/s/ Stephanie C. Brenan
STEPHANIE C. BRENAN
Deputy Attorney General
[consent to sign obtained June 9, 2014]


/s/ James William Bilderback II
JAMES WILLIAM BILDERBACK II
Supervising Deputy Attorney General
[consent to sign obtained June 13, 2014]

Attorneys for Respondent

ORDER

Good cause appearing, and pursuant to stipulation, IT IS SO ORDERED. Petitioner may file an opposition of up to 35 pages to the pending Motion for Reconsideration.

June 13, 2014


MAXINE M. CHESNEY
United States District Judge